



# COASTAL STATES ORGANIZATION

Hall of the States • 444 North Capitol Street NW • Suite 322 • Washington DC 20001  
tel 202-508-3860 • fax 202-508-3843 • email [csso@sso.org](mailto:csso@sso.org) • [www.coastalstates.org](http://www.coastalstates.org)

**Testimony of  
Tony MacDonald  
Executive Director, Coastal States Organization**

**Before the  
Subcommittee on Fisheries and Oceans  
House Resources Committee  
U.S. House of Representatives**

**Hearing on  
H.R. 50, the NOAA Oceanic and Atmospheric Administration Act**

**May 19, 2005  
10:00 a.m.  
1334 Longworth House Office Building**

## Introduction

Chairman Gilchrest, Ranking Member Pallone, and distinguished Members of the Subcommittee, I want to thank you for the opportunity to testify today regarding H.R. 50, the *National Oceanic and Atmospheric Administration (NOAA) Act*, and recommendations relating to the report of the US Commission on Ocean Policy and support for NOAA's ocean and coastal resource management programs.

My name is Tony MacDonald and I am the Executive Director of the Coastal States Organization (CSO). Since 1970, CSO has represented the interests of the Governors of the nation's thirty-five coastal states and territories on issues related to coastal, Great Lakes, and ocean management. Through NOAA-state partnership efforts under the jurisdiction of this Committee, including but not limited to the coastal zone management (CZMA), national estuarine research reserves, marine sanctuaries and marine managed areas, community-based restoration, fisheries management and enforcement and the land conservation programs, states work diligently in the face of increasing population and mounting development pressures to support vibrant waterfronts and coastal communities, and productive coastal and ocean ecosystems and economies. In addition to NOAA partners and in some cases co-managers of coastal and ocean resources, states are also clients and users of NOAA science, information, services and technical assistance. Any NOAA Administrative or Organic Act should clearly recognize these unique federal-state cooperative partnerships.

## General Remarks

CSO would like to acknowledge the leadership and support of this Subcommittee for coastal, fisheries and ocean issues, and the efforts of Representative Vernon Ehlers in sponsoring H.R. 50, which provides a good starting point for NOAA authorization. However, the bill's current focus on science, weather and atmosphere needs to be balanced with the "wet-side" to include provisions addressing NOAA's roles and responsibilities for (i) coastal, ocean, fisheries and living marine resource management and sustainable use; (ii) protection, conservation and restoration of oceans, coasts and Great lakes areas, living and nonliving marine resources, using adaptive, ecosystem-based approaches at the local, state and regional scale; and (iii) pursuing its mission in an integrated way in partnership with States, tribes, local governments, other stakeholders organizations and Federal agencies.

The *Ocean Commission* and numerous technical and policy studies have noted that the status quo is not sufficient to meet our nation's coastal and ocean challenges. The Committee may want to consider strengthening language in the bill to clarify that NOAA is the lead civilian agency charged with responsibility to improve the management, research and understanding of coastal and ocean ecosystems. States hope that in addition to a NOAA authorization bill, Congress will adopt a clear statement of national ocean policy and enact other legislative priorities recognized in the report of the US Commission on Ocean Policy and the President's *US Ocean Action Plan*, including passage of the Magnuson-Stevens and Coastal Zone Management Act reauthorization; and establishing mechanisms for interagency and regional ecosystem management coordination. In addition, Congress should provide NOAA with adequate funding to carry out the missions and goals of the agency.

While CSO does not directly represent the state fisheries agencies or fisheries commissions, we share many common interests and concerns in working with NOAA. H.R. 50 does not adequately address the critical responsibilities of NOAA to conduct, coordinate, and support the management, management-oriented research, data collection, synthesis, technical assistance and other activities needed to support decision-makers to protect, restore and maintain healthy fisheries and other living marine resources, habitats and the ecosystems that support them, as well as to support well planned development and conservation in coastal communities. As the final NOAA Authorization Act evolves we hope that those issues will be addressed. As individual states and state fisheries representatives review the proposed legislation in more detail in the coming weeks, CSO would like to work with your staff and the Resources Committee to make revisions as needed.

In calling on Congress to enact a NOAA Organic Act, the Ocean Commission noted the following:

Beginning with a strengthened science program and more service oriented approach, NOAA should be organized not only to improve its efficiency, but also to promote inclusiveness and a commitment to meaningful partnerships, with other agencies, states, the private sector and the academic community.

NOAA Authorization Act should provide clear guidance regarding the importance of cooperating with the states through consultation, collaboration, and partnerships, reflecting the critical role coastal and near shore areas under state jurisdiction play in productive habitats, healthy fisheries, and coastal and marine ecosystems.

CSO urges that the legislation be amended to recognize explicitly the unique sovereign and public trust responsibilities which the states share with NOAA, and provide for NOAA to work in partnership with the states in efforts to protect, restore and manage coastal and ocean resources. Language should be added providing that in undertaking its responsibilities NOAA “...will require close partnerships with the States, taking into account the public trust role and responsibilities of the States in implementation of coastal and ocean policies, and managing use of coastal lands and ocean resources.”

NOAA missions and leadership structure should reflect a commitment at the highest levels to supporting integrated coastal and oceans resource management in partnership with states and other external partners, and providing for clear roles and responsibilities. It is important that NOAA and the states be provided with the funding and interagency support necessary to effectively administer and implement proposed legislation.

I have provided some preliminary comments and questions on the proposed bill below.

#### Preliminary Comments

##### **Definitions - Section 2:**

- Consider whether a definition of ‘ecosystem-based research’ and ‘ecosystem-based management’ should be added to the bill. The recently released scientific consensus statement on ecosystem-based management may provide a framework for developing such definition, including place-based, adaptive and integrated approaches that account for both ecosystem health and human use and values.

##### **NOAA – Section 3:**

- *In General* - The Ocean Commission report recommended that NOAA be designated as the lead civilian agency for implementation of national ocean policy. The Committee may want to consider clarifying this lead role, while at the same time providing that it is intended to be complementary and not conflict with current responsibilities of other agencies. The Committee may want to consider whether to provide NOAA additional authority to establish budget priorities and to ensure that it can work effectively with other agencies through interagency partnerships. It is my understanding that a bill (S. 2647) introduced in the last Congress by Senator Fritz Hollings provided more authority for NOAA while leaving it in the Department of Commerce. (Subsection 3(a)).
- *Mission and Purposes* – The Committee should consider adding a statement of purposes or principles that link the Mission with the Functions in the following section. These would provide useful framework for NOAA on how it will implement its responsibilities. Among other issues, the purposes or principles should provide

that NOAA shall: (i) *collect, store and analyze reliable scientific data and information that can be used as a basis for sound coastal and ocean management, public health and safety*; (ii) *support sustainable coastal development based on responsible State and community management and planning, and reflecting the social, economic and environmental values of ocean resources*; and (iii) *promote governance and management of the nation's ocean resources through a partnership of the Federal Government with States and territories, and Commonwealths that reflect their public trust responsibilities and sovereign interest in ocean environmental, cultural, historic and economic resources*.

- *Functions:* As mentioned in my general remarks, the Functions need to be amended to reflect a balance among the scientific, weather, atmospheric, coastal and ocean management missions of NOAA. You may want to make clear that these functions are “*in addition to any other functions or authorities provided by law or by delegation from the Secretary.*”
  - Review the current science and data functions specified in the bill and revise them, as needed, to clarify NOAA's authority to undertake necessary monitoring and assessments, including social and economic assessments, of ecosystem health and productivity; and to assure that NOAA research, data, technical assistance and services are provided as useful and acceptable information, products and tools to guide and support management, public health and safety decisions.
  - Expand on function (7) or add new subsections related to ‘managing the use of coasts, ocean and Great Lakes...’ that provide for conservation, protection and restoration of coastal and ocean resources including fisheries and other living and non-living marine resources, placed-based management of coastal and ocean areas; protection from threats to human and ecosystem health, including pollution and invasive species; and, planning for and mitigating the impacts of natural and man-made hazards, including sea level rise and climate variability and change.
  - Add a specific function relating to “partnering with and supporting States and local communities” in implementing NOAA mission and undertaking management, conservation and restoration of coastal and ocean resources.
  - Add a function relating to coastal and ocean mapping, hydrographic and navigation services.
  - NOAA strategic commitment to regional ecosystem-based management and the important cross relationship between its science and management missions should be reflected in a function that provides for “*integrating efforts within NOAA and coordinating efforts with other Federal agencies in support of regional ecosystem based management.*”
  - The functions related to NOAA's international responsibilities are not limited to weather, climate, observations and meteorological services but also include activities related to fisheries management; integrated coastal and ocean management, as well as bilateral regional coastal and ocean management

#### **Administration Leadership - Section 4:**

- The Ocean Commission report and the US Ocean Action Plan, each recognized the importance of Federal interagency coordination in supporting effective coastal and ocean management, and several laws already exist to address coordinated interagency efforts in ocean research and observation systems (e.g. National Ocean Partnership Program). While the NOAA Administration or Organic Act may not be the vehicle

for authorizing the interagency governance mechanisms, the Act should assure that authorities are provided for the Administrator and other NOAA leadership. It is important that the NOAA leadership be authorized at the adequate grade and level of authority to provide the “clout” necessary to be an effective leader and advocate for coastal and ocean policy issues and programs in these interagency processes.

- CSO has also long supported the elevation of the current political position of the Director of Oceans and Coastal Resource Management, perhaps in some revised form, to its former status as part of the NOAA leadership team, which is the role it served in the early years of NOAA under the distinguished leadership of Dr. Bob Knecht. Currently, resources management functions are buried too deep in the NOAA bureaucracy. The Committee should consider establishing a senior leadership position for “Coast, Ocean and Ecosystem-based Resource Management” equivalent to the proposed Deputy Assistant Secretary for Science Technology, Education and Outreach (DAS-STEEO). CSO would like to work with the Committee to identify specific functions for the Resource Management Position, as well as qualifications comparable to those provided on H.R. 50 for the DAS-STEEO.

#### **National Weather Service - Section 5:**

- It is not clear why the National Weather Service (NWS) is singled out in this section, as well as Operation, and Research and Education in succeeding sections. The Committee should develop comparable provisions for coastal and ocean resource management, including activities, programs and services currently provided by the National Ocean Service and the National Marine Fisheries Service.
- The provisions in Section 5(e) relating to private public partnerships seem to be a good idea. Comparable provisions should be included at the appropriate place in the bill providing for “Coordination with States and NON-federal Entities”, which provides that the Administrator and NOAA leadership in implementing the mission, purposes and functions provided in the Act *“shall coordinate with State, territories, Commonwealths, tribes and local governments, the private sector and other public stakeholders to facilitate collaboration, enhance partnerships and identification of opportunities to support policy-making and sound coastal and ocean resource management decision-making at the State and local level.”*

#### **Operations and Services, and Research and Education - Sections 6 and 7:**

- CSO strongly supports provisions that will guide NOAA in developing “ongoing data collection and direct services and products” related to “coastal, ocean and Great Lakes information.” However, these provisions should be reviewed to assure that the links between science, data, information and management provide interoperability are well described and include a functional recognition of NOAA services including, but not limited to, those provided by the Coastal Services Center, Pacific Services Center, the UNH Cooperative Institutes for Coastal and Estuarine Environmental Technology and external programs such as Sea Grant extension services.
- Provisions should be added to the bill that would provide NOAA clear authority to support regional observation, monitoring and information programs in partnership with the states, academic institutions, regional laboratories, and other partners, and to maximize opportunities to enhance state and local capacity and facilitate eco-regional

management. These provisions should be integrated with Section 310 of the CZMA which calls for NOAA coordination of management-oriented research, and information. In order to be successful in implementing ecosystem-based management, it is crucial that federal research and science support and funding be provided for grants to states and to the scientific community in order to provide: *"...Federal, regional and State and decision makers with usable information and products to support policy, management and technical decisions under existing authorities"*

- States strongly support an expanded national commitment to coastal and ocean research, science, and education. It is important that in implementing such programs, the role of states in administering science and education programs be recognized and incorporated throughout. Further, increased support for research and science should not come at the expense of needs for coastal estuarine and ocean monitoring and assessment but should be in addition to and integrated with such needs.
- In their comments to the Ocean Commission, numerous states expressed an interest in serving as pilot projects for implementation of regional ecosystem management. Support for these state-based regional pilots should be specifically authorized and could be provided through an amended CZMA or other mechanism.

### Conclusion

Mr. Chairman, thank you again for this opportunity to testify on a topic of great importance to the coastal management community. I would be pleased to answer any questions you or others on the Subcommittee may have, and look forward to working with the Committee to enact a NOAA Administrative Act this year.